

please
File Stamp

PLAINTIFF'S RESPONSE TO DEFENDANT

JOSEPH MEZZONE #68549
HIGH DESERT STATE PRISON
PO BOX 650
INDIAN SPRINGS, NV. 89070

| | |
|---|-----------------------|
| FILED ENTERED | RECEIVED SERVED ON |
| COUNSEL/PARTIES OF RECORD | |
| APR 21 2017 | |
| CLERK US DISTRICT COURT DISTRICT OF NEVADA | |
| BY: | DEPUTY |

IN THE UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

JOSEPH MEZZONE
Plaintiff

VS.

STATE OF NEVADA et al.
Defendants

CASE# 3:15-CV-00499-MMD-WGC

PLAINTIFF'S RESPONSE TO DEFENDANT
BRANNON'S RESPONSE TO PLAINTIFF'S
REQUEST FOR PRODUCTION OF
DOCUMENTS [SET ONE] / PLAINTIFF'S
2ND REQUEST FOR DISCOVERY

COMES NOW, the Plaintiff Joseph Mezzoni #68549 in PRO-SE
Respectfully request to respond to Defendants by the above Response
file on his 9/983 Civil Rights Complaint PURSUANT TO 42 USC §1983.

See, Haines v. Kerner, 404 U.S. 519 (1972) (Allegations of a pro-se complaint
are held to less stringent standards than formal pleadings drafted by
lawyers).

I.STATEMENT OF FACTS IN SUPPORT OF RESPONSE

1 (FACT 1) Plaintiff filed his "REQUEST TO DEFENDANTS FOR
2 DISCOVERY CONFERENCE UNDER FRCP 37(a)(1) LETTER", on the
3 21st day of March 2017.
4

5 (FACT 2) Defendants responded by "DEFENDANTS BRANNON'S
6 ~~REPLY~~ RESPONSE TO PLAINTIFFS REQUEST FOR PRODUCTION
7 OF DOCUMENTS [set one], on the 11th day of April, 2017, and
8 they state on PAGE 2 LINES 15-25, that under CASE # 3:15-CV-00313-
9 MMD-WGC under MIZZONI 313: DEF EXH G-001 is a copy of disciplinary
10 hearing audio from plaintiff's disciplinary hearing on May 1, 2013 for
11 OIC 390034, has been available to plaintiff to listen to and take
12 notes. Plaintiff is aware of that case and contents which are
13 identical to this case, but plaintiff request a separate discovery
14 materials in case "my or all" go to a Jury trial for this case
15 and not the other
16

17 (FACT 3) Defendants responded on (PAGE 3 LINE 13-18) that ⁽¹⁾ Plaintiff is
18 a inmate and Defendant is a prison official; and (2) the request has
19 only slight or marginal relevance to plaintiff's claims. This is plaintiff's
20 REQUEST NO 2: VIDEO inside and outside Units 5-8-4-7 at NMC
21 Prison in Carson City NV. the night of Monday, March 28, 2015 At times
22 from 8 PM to 9:30 PM, of whole incident from start to finish. Plaintiff
23 wants the Video for punishing him before a Due Processes Disciplinary
24 Hearing by dragging and assaulting him from Unit 5 to Unit 8 by
25 14 officers including C/O Server John Hill who orchestrated the drag by
26 stating "Forwards or Backwards" then grabbing plaintiff and putting him
27 in a Choke Hold and dragging Plaintiff in front outside of Unit 5 at
28 NMC.

I.STATEMENT OF FACTS IN SUPPORT OF RESPONSE (continued)

1 Also to show where all C/Os where abouts coming and going
 2 from all Units 4-5-8-7 and times there of because of policies
 3 and procedures used on this day. Also John Hill Senior C/O
 4 was the Preliminary Officer for Plaintiff's Disciplinary Case of
 5 Incident on 3-28-15 and Referred Plaintiff to Disciplinary Hearing
 6 for 5-1-75 "this one". He was not impartial nor was Brannon C/O
 7 LT. Because he allowed C/O Hill to do the Preliminary and
 8 his referral to LT Brannon knowing "Hill" was not impartial
 9 and punished plaintiff prior to the 5-1-15 Disciplinary Hearing
 10 the night of 3-28-15 as said, which he should of
 11 dismissed plaintiff's D/S but instead took the recommendation
 12 of John Hill, so plaintiff wants to see and show the
 13 Court and a Jury this material Facts. ITS VERY RELEVANT
 14 and by United States Courts Plaintiff has a right to view
 15 the video in a disclosed place through the Warden at
 16 High Desert State Prison. See; B. Nature of Case Plaintiff request
 17 video on (PAGE 3 LINE 6), and (PAGE 3 LINE 11) Punishment on the
 18 spot. AND (PAGE 3A LINE 1-5) See; C. CAUSE OF ACTION (PAGE 4 to
 19 4A LINE 1-17), and (PAGE 4D LINE 10-12) Evidence. Plaintiff should
 20 be allowed all evidence, and Video.

21
 22 (FACT 4.) Defendants responded on (PAGE 3 LINE 19-23) stating that
 23 plaintiff can view photographs of injuries taken by Robertson on
 24 March 28, 2015 through CASE # 3:15-CV-00313-MMD-VPC-MEZZONE 313;
 25 DEF EXH E-001-016 and once again plaintiff is aware of it and contents
 26 which are identical to this case, but plaintiff request a separate discovery
 27 materials in case "any and all" go to a Jury trial for this case and not
 28 the other.

R.STATEMENT OF FACTS IN SUPPORT OF RESPONSE (continued)

1 (FACT 5.) Defendants responded on (PAGE 4 LINE 1-6) state plaintiff
 2 ~~must~~ request for disciplinary hearing on 5-1-15 and any inmate grievances
 3 or other reports for 3-28-15. Same response plaintiff can receive through
 4 Case # 3:15-CV-00313-MMD-VPC-MITZONE 313 DEF EXH I 001-025
 5 at the Warden's office, but Plaintiff request once again to separate
 6 this case Discovery with the other case in case of a separate
 7 trial for Jury to see ect...

8
 9 (FACT 6.) Defendants responded on (PAGE 5 LINE 1-13) state under case
 10 # 3:15-CV-00313-MMD-VPC-MITZONE 313 DEF-EXH C-001-010 involving
 11 Reports can be seen by Warden at High Desert State Prison but plaintiff
 12 request once again to separate Discovery material from this case
 13 to that one in case plaintiff has separate trial by Jury.

14
 15 (FACT 7.) All request "must" be separated Discovery Material from
 16 Case # 3:15-CV-00499-MMD-WGC to Case # 3:15-CV-00313-MMD-VPC
 17 even though each is the exact related material, in case of
 18 separate trials of a Jury, or if plaintiff has to appeal to 9th Cir
 19 he must have a separate record of Discovery Material for them
 20 to see and it may not be appealed at the same time.

21 Also if plaintiff can not receive this material he will get a
 22 request by Court Order, Plaintiff tries to get it without one now. It's
 23 All relevant to his case to prove and show a pattern of conduct,
 24 and explain better by the evidence to the Court and Jury trial.

25
 26 RESPECTFULLY SUBMITTED

27 this 18th, day of April, 2017
 28

BY: Joseph Mitzone
 Joseph Mitzone #08549

IIAFFIDAVIT OF JOSEPH MEZZONI #68549 IN PRO-SE

STATE OF NEVADA)

: ss

COUNTY OF CLARK)

(1) Plaintiff sworn in support of the 2ND Discovery Request Letter duly
and says;

(2) Plaintiff in PRO-SE Joseph Mezzoni #68549 in support of the
Affidavit here for "PLAINTIFF'S RESPONSE TO DEFENDANT BRANNON'S
RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS
[Set one] / PLAINTIFF'S 2ND REQUEST FOR DISCOVERY" on his §1983
Civil Rights Complaint PURSUANT TO 42 USC §1983 IN THE UNITED
STATES DISTRICT COURT DISTRICT OF NEVADA, and he does so
in his truth under Affidavit Sec; §1746 USC AND NRS LAWS under
penalty and perjury.

RESPECTFULLY SUBMITTED
this 18th day of April 2017

BY: Joseph Mezzoni
Joseph Mezzoni
#68549

CERTIFICATE OF SERVICE OF U.S. MAIL

I Joseph Mizzoni #68549 hereby certify pursuant to 28 USC §1746 that on the day of April 18, 2017, I marked a true correct copy of the foregoing 1st Letter; PLAINTIFFS RESPONSE TO DEFENDANT BLANNON'S RESPONSE TO PLAINTIFFS REQUEST FOR PRODUCTION OF DOCUMENTS [SETONE] / PLAINTIFFS 2nd REQUEST FOR DISCOVERY by giving same to a prison official at High Desert State Prison to deposit in U.S. MAIL CLASS SLIP #1668260 sealed and postage prepaid and addressed to:

(1) CLERK, U.S. DISTRICT COURT
DISTRICT OF NEVADA
400 South Virginia Street, Room #301
RENO, NEVADA 89501

(2) OFFICE OF ATTORNEY GENERAL
MS. ERIN L. ALBRIGHT
100 N. CARSON STREET
CARSON CITY, NV 89201-4717

(3) PLAINTIFFS ADDRESS
JOSEPH MIZZONI #68549
H.D.S.P.
PO Box 650
INDIAN SPRINGS, NV 89070

BY: Joseph Mizzoni
JOSEPH MIZZONI
#68549